

Enforcement and Compliance Activities Related to EXIDE Vernon facility

Summary

- DTSC and SCAQMD are aggressively pursuing all state and federal enforcement options to limit or reduce harmful emissions at EXIDE.
- We're working closely with each agency to ensure all federally-enforceable rules and requirements are met.
- Region 9 conducted a RCRA inspection in 2008 and didn't find any significant violations. The Air Division initiated an investigation in 2009, but didn't develop an enforcement case.
- Recent ambient monitoring for lead values at the EXIDE facility were **not exceedances** of the federal NAAQS of 0.15 ug/m³. Rather, EXIDE exceeded a level set in SCAQMD's Rule 1420.1.
- SCAQMD's health risk assessment, issued in the spring of 2013, was for **arsenic** emissions, not lead.

SCAQMD Actions:

- In January 2014, SCAQMD amended existing Rule 1420.1 (which already imposes strict controls for lead emissions) to require EXIDE and Quemetco to meet strict emission limits for arsenic, benzene and 1,3-butadiene.
- SCAQMD has pursued several enforcement actions against EXIDE, including an October 2013 Order of Abatement which would require EXIDE to shutter its facility until appropriate emissions control are in place.
- A final decision by the SCAQMD Hearing Board on the Order of Abatement is expected in May 2014.

DTSC Actions:

- In December 2013, DTSC ordered EXIDE to perform emergency response measures to clean up off-site contaminated soil, dust, and sediment.
- DTSC issued an Order of Temporary Suspension at the EXIDE facility in April 2013.
- On Nov. 4, 2013, a bankruptcy judge approved Exide Technologies Inc.'s motion to enter into a Stipulation and Order with DTSC's activities which requires EXIDE to identify potential impacts of the facility on the surrounding community and creates enforceable timelines (i.e., reducing arsenic air emissions, dust sampling, replacing a deteriorating piping system, and blood lead level testing in nearby residents).

Recommendation

- Region 9 should continue tracking state and local compliance and enforcement activities in our state oversight role.